

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOA mailed: October 23, 2007

Application No.: 10/722,148

Filing Date: November 24, 2003

Applicant: Brian J. Tillotson

Group Art Unit: 2621

Examiner: Anand Shashikant Rao

Title: VIRTUAL PAN/TILT CAMERA SYSTEM AND METHOD
FOR VEHICLES

Attorney Docket: 7784-000966/US

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO INTERVIEW SUMMARY

The undersigned recently received an "Interview Summary" concerning the above referenced application. The Interview Summary incorrectly states the position of the undersigned taken in the telephone discussion with the Examiner on or about September 26, 2008.

During the September 26, 2008 conversation with the Examiner concerning this matter the Examiner explained that he had been notified by Quality Review that independent claim 32 could not be allowed, unless certain of the limitations from independent claim 34 were written into claim 32. The Examiner could not offer any reasoning as to why this was needed, and could not offer any particular prior art

reference that was the reason for this belated rejection of claim 32. Previous to September 26, 2008 the undersigned had received a Notice of Allowance and had submitted the required issue fee payment.

During the September 26, 2008 conversation with the Examiner the undersigned explained to the Examiner, in strong terms, that since the USPTO had allowed the present application, and then accepted payment of the issue fee, that it was fundamentally unfair that the assignee, The Boeing Company, should be expected to incur the cost of submitting an RCE to have the present application removed from issue. The undersigned explained to the Examiner that at the present moment he did not see any way to remedy this situation without the filing of an RCE, because since the issue fee had been paid, no further amendment would be allowed under 37 C.F.R. section 1.312. However, the undersigned made clear that he would have to contact a representative of The Boeing Company and that the decision on how to proceed would be made by The Boeing Company, and not by the undersigned. At no time did the undersigned unequivocally state that he would be filing an RCE to remove the present application from issue.

After further consideration of this matter, it is the position of The Boeing Company that because the present situation has developed solely as a result of the issue concerning claim 32 coming to light after the USPTO had sent out the Notice of Allowance, and after the undersigned had submitted payment of the issue fee, and thus developed through no fault of the undersigned or of The Boeing Company, that The Boeing Company will not be taking any further action in this matter unless (and until) a

non-final office action is received from the USPTO re-opening prosecution of the present application.

If the Examiner wishes to discuss this matter further he is invited to contact the undersigned at the number below.

Respectfully submitted,

Dated: Oct. 16, 2008

By: Mark D. Elchuk
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